

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

United States of America	:	Case No. 3:01CR775
v.	:	
Jesus Perez, Sr.,	:	<b><u>MAGISTRATE'S REPORT AND RECOMMENDATION</u></b>

This is a criminal case which was referred to the undersigned to conduct a hearing and file a report and recommendation regarding the pending alleged supervised release violations (Docket No. 46). Following an initial appearance on February 16, 2006 and a probable cause hearing on February 22, 2006, the magistrate submits the following report and recommendation.

**BACKGROUND**

On March 15, 2004, defendant was sentenced to a term of imprisonment of twelve months and one day following conviction for conspiracy to possess within intent to distribute marijuana in violation of 21 U.S. §§ 841 and 846. Upon completion of his prison term, defendant's three year term of supervised release commenced on February 22, 2005. The violation report filed August 25, 2005 reports four alleged violations: 1) a positive drug test on July 5, 2005, 2) failure to report for urine testing on July 27 and August 17, 2005, 3) failure to report to the U. S. Probation Office as

instructed and 4) failure to notify his probation officer of change in residence and absconding from supervision.

### **HEARING**

At the initial appearance, held pursuant to Fed.R.Crim.P. 32.1, on February 16, 2006, the Court advised defendant of his rights of silence, to be represented by counsel and to have a probable cause hearing. A probable cause hearing was scheduled for February 22, 2006. At the probable cause hearing, defendant, after consulting with counsel, waived his right to both a probable cause and revocation hearing and admitted the alleged violations of his supervision set forth in the violation report of August 25, 2005. Defendant acknowledged on the record that his admission was knowingly and voluntarily made. The undersigned made a finding that defendant violated the conditions of his supervision. Based upon such finding, the magistrate recommends that defendant's supervision be modified to include a requirement that he serve six months in a Community Correction Center and that he be detained pending placement in such center. The magistrate further recommends that all other conditions of supervision be unchanged.

It is so ordered.

/s/ Vernelis K. Armstrong  
U. S. Magistrate Judge